IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13144 of 2004

Between:

T. Varalakshmi @ B. Pallavi, w/o Late Jangaiah, Aged 26 years, Occupation: Household, R/o 18-6-909, Gowlipura, Outside Balagunj, Hyderabad.

..... PETITIONER

AND

1. APSRTC, rep. by its Managing Director, Musheerabad, Hyderabad.
2. Depot Manager, APSRTC, Jeedimetla Depot, R.R. District.
3. Regional Manager, APSRTC. Jubilee Bus Station, Picket, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an appropriate writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not appointing the petitioner in any suitable post in pursuance of the letter address to petitioner vide Lr.No. W4/684(3)/2002-HCR dt. 1-4-2003 is quite illegal and arbitrary

Counsel for the Petitioner: MR.V.R.BALACHARI

Counsel for the Respondents: MR.K.HARINATH, S.C. for APSRTC.s

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in not appointing the petitioner in any suitable post in pursuance of the Letter addressed to the petitioner vide Lr.No.W4/694(3) 2002-H.C.R.dt.01-04-2003 as illegal and arbitrary.

The petitioner stated in the affidavit filed along with the writ petition that she is the wife of one Jangaiah, who was appointed as a conductor in the year 1998 in the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation'). She stated that their marriage was performed on 13-05-2001 and that her husband i.e., the deceased employee died in harness in a road accident that took place on 11-08-2001 i.e., after three months from the date of their marriage. Thereafter, the petitioner made an application to the second respondent on 30-01-2002 requesting to provide employment under bread-winner Scheme. She also made

representations on 19-07-2002 and 28-03-2004 with a similar request and reiterated her unwillingness for availment of additional monetary benefit in lieu of employment. Third respondent by an order dated 17-05-2003 informed the petitioner that in view of letter dated 01-04-2003, there was no possibility of considering her request for employment under the bread-winner Scheme in the vacancies notified under notification No.17/2002, dated 16-09-2002 and also advised her to make a claim seeking additional monetary benefit. The petitioner, being aggrieved by the said order and also the letter dated 01-04-2003 addressed by the third respondent advising her to make a claim seeking additional monetary benefits, filed the present writ petition.

Heard the learned Counsel for both the parties and at their request the writ petition itself has been taken up for disposal at the admission stage and perused the material on record.

The learned Counsel for the respondents submitted that subsequent to the order dated 17-05-2003 passed by the third respondent, there was a modification to the notification dated 16-09-2002 passed by the Vice Chairman and Managing Director of the Corporation to the extent of considering the requests of the dependents of the deceased employees of the Corporation for compassionate appointments.

In view of the facts and circumstances of the case, the petitioner is directed to renew her application for compassionate appointment before the third respondent and the third respondent shall pass appropriate orders by taking into consideration the circumstances explained by the petitioner for compassionate appointment within a period of two months from the date of receipt of renewal application and communicate the said order to her.

The writ petition is accordingly disposed of at the admission stage. No order as to costs.

_____

29-07-2004

Note:

Office to furnish C.C. in three days.

B/o

Ghn

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 Depot Manager, APSRTC, Jeedimetla Depot, R.R. District.
3 Regional Manager, APSRTC. Jubilee Bus Station, Picket, Secunderabad.

4 Two CD copies.